

REMARKS

Claim 21 has been added in the present response. Accordingly, claims 1-21 are currently pending in the case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Section 102 Rejections

Claims 8, 9, 12, and 14 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,438,746 to Martin (hereinafter "Martin"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. Martin does not disclose all limitations of the currently pending claims, some distinctive limitations of which are set forth in more detail below.

Martin fails to disclose a computer program including text, which is preceded by a comments designator and succeeded by at least one link word that is adapted for modification by an on-screen pointer. Independent claim 8 recites in part: "[a] computer-usable carrier medium comprising: a computer program, wherein the computer program comprises: a first text preceded by a comments designator and succeeded by at least one link word that is adapted for modification by an on-screen pointer..." In this manner, independent claim 8 discloses one manner in which a comments portion within a program may be modified (e.g., by modifying a link word within the comments portion using an on-screen pointer).

Statements in the Office Action suggest that "Martin teaches [a] method comprising a first text preceded by a comments [sic] designator (part 1000b in Fig. 9) and succeeded by [a] link word (col 10, lines 9-16) that is adapted by modification by an on-screen pointer (col 5, lines 51-60)" (Office Action, page 2). The Applicant respectfully disagrees, for at least the reasons set forth in more detail below.

Though Martin discloses a comments portion of a computer program (e.g., portion 1000b of Fig. 9), where the comments are preceded by a comments designator (e.g., the // symbol shown in Fig. 9), Martin does NOT disclose that the comments designator may be succeeded by a link word that is adapted for modification by an on-screen pointer. The Examiner suggests that teaching for the presently claimed

link word, which is adapted for modification by an on-screen pointer, can be found in column 5, lines 51-60 and column 10, lines 9-16 of Martin. Upon review of these passages, Applicant's assert that there is absolutely no mention of a link word, an on-screen pointer, or a link word adapted for modification by an on-screen pointer within the passages cited by the Examiner, or anywhere else within Martin.

The above arguments were provided in a previous response to the Final Office Action mailed May 20, 2004. In response to Applicant's arguments, the Examiner suggests that "[s]ince the 'link word' in the claim is a broad term, it can be reasonably interpreted as = symbol which links two parts of a comment (for example see 1002b). Since the comment is text entered by a user, each word of the comment (including =) can be modified by an on-screen pointer." (Office Action, pages 7-8). As set forth in more detail below, the Applicants disagree with the Examiner's overly-broad interpretation of the term "link word."

During patent examination, for example, the pending claims must be given the broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); MPEP 2173.05(a); emphasis added. When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989); MPEP 2173.05(a); emphasis added.

The intended meaning of the term "link" or "link word" is clearly defined, e.g., on page 10 of the present specification:

One or more lines of text comments may include one or more words, hereinafter referred to as links. The comments section of the program code is, therefore, said to have active links (similar to internet URLs) that are used to select different configuration options and also to select behavior, timing and output of generated program code (execution code). The links represent a given area to which the on-screen pointer can be directed. When the on-screen pointer passes over the area associated with a link, the link will change colors or become highlighted to note the link is "hot."

When read in light of the specification, the term "link word" (otherwise referred to as an "active link" or "hot link") may be interpreted to include a word, which can be activated or selected (in a manner similar to internet URLs) for selecting different configuration options of the generated program code. In the embodiment of FIG. 3, for example, activation or selection of a "link word" may present a pull-down menu to the user:

In the example shown, the hot link SYNC, noted as reference numeral 46, has an associated pull-down menu 48... the on-screen pointer can then point to ASYNC if a change is desired to link 46. Importantly, the change will occur in the comments line that describes the significance of its associated link. In the example shown, comments line noted as "Timing" suggests that the timing can be either synchronized or asynchronized. Moreover, the comments line noted as "Data Bus Width" can depict the width of the data bus, where selection of the corresponding link allows the user to change between, for example, an 8-bit data bus width and a 16-bit data bus width.

As such, the specification describes how a "link word adapted for modification by an on-screen pointer" may be used to modify the comments portion of the program code.

Applicants recognize the need to give the claims the broadest reasonable interpretation during the examination process. However, by interpreting a "link word" to include an "=" symbol, the Examiner attempts to interpret the claim terminology in a manner, which is both inconsistent the specification and more broad than the term reasonably allows. For example, though an "=" symbol may be embedded within a comments portion (presumably, as text entered by a user), Martin does not teach or suggest that the "=" symbol may function as an "active link", a "hot link", or any other "link" that may be activated or selected (in a manner similar to internet URLs) for selecting different configuration options of the generated program code. As such, the "=" symbol of Martin cannot be considered equivalent to the presently claimed "link word," which is described in the specification as capable of performing such function.

For at least the reasons noted above, Martin simply fails to anticipate all limitations of present claim 8. Therefore, claim 8 and claims dependent therefrom are asserted to be patentably distinct over the cited art. Accordingly, removal of this rejection is respectfully requested.

Section 103 Rejections

Claims 10, 11, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of Martin, U.S. Patent No. 6,026,233 to Shulman et al. (hereinafter "Shulman"), and U.S. Patent No. 4,541,048 to Propster et al. (hereinafter "Propster"). As set forth in more detail below, this rejection is respectfully traversed.

As stated above in the § 102 arguments, Martin (i.e., the primary reference) fails to teach or suggest all limitations of independent claim 8 and claims dependent therefrom (claims claims 10, 11, and 13). Therefore, no combination of Martin and the remaining cited art can be used to render claim 8 (or the

combined limitations of claim 8 and any of its dependent claims) unpatentable. Accordingly, removal of this rejection as to claims 10, 11, and 13 is respectfully requested.

Claims 1-7 and 15-20 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of Martin, U.S. Patent No. 6,721,944 to Chaudhry et al. (hereinafter "Chaudhry"), Shulman, and Propster. As set forth in more detail below, this rejection is respectfully traversed.

Chaudhry cannot be combined with Martin to provide teaching or suggestion for creating a data set by modifying a comments portion of a program, where the step of modifying includes activating a user-selectable link embedded within the comments portion. Independent claim 1 states in part: "[a] method for generating computer executable code, comprising: creating a data set by modifying a comments portion of a program, wherein said modifying comprises activating a user-selectable link embedded within the comments portion" Independent claim 15 (an apparatus) recites a similar limitation by including "a compiler for generating a data set ... in response to user-activation of a link within a comments portion of a program."

In the previous response to the Office Action Mailed May 20, 2004, Applicants explained why the primary reference to Martin failed to teach or suggest all limitations of independent claims 1 and 15. In light of Applicant's arguments, the Examiner agreed in the present Office Action that "Martin does not teach [that] the data set is created by modifying a comments portion of a program by activating a user-selectable link embedded within a comments portion." (Office Action, page 4). However, the Examiner suggests that such a feature is taught by Chaudhry. For example, the Examiner suggests that Chaudhry teaches a system that allows a programmer to insert hints (i.e., comments) into the source code that causes the compiler to generate executable code (*see*, Office Action, page 4, and Chaudhry, col. 2, lines 31-45 and 55-59).

Applicants wish to point out that the teachings of Chaudhry (which merely insert comments into source code) cannot be relied upon to provide teaching or suggestion for the presently claimed limitation of modifying a comments portion of a program by activating user-selectable links embedded within the comments portion. In other words, Chaudhry fails to even mention the use of links, user-selectable links or any other type of link that may be embedded within the comments portion and activated for modifying a data set.

Chaudhry is not available as prior art against the current application. To expedite prosecution, a declaration under 37 C.F.R. § 131 is filed in a separate paper herewith. The declaration establishes an invention date prior to May 31, 2000 for the subject matter of the current claims. Since Chaudhry claims a priority date of May 31, 2000, it is not available as prior art under 35 U.S.C. § 103(a) against these claims.

For at least the reasons stated above, Applicants assert that claims 1 and 15, as well as claims dependent therefrom, are patentable over the cited art. Accordingly, removal of this rejection as to claims 1-7 and 15-20 is respectfully requested.

Patentability of the Added Claims

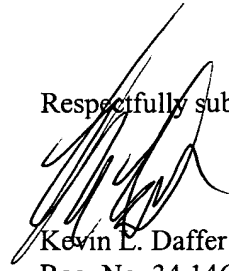
The present amendment adds claim 21, which is dependent from claim 8. For the reasons stated above, Applicants assert that independent claim 8 and claims dependent therefrom are patentably distinct over the cited art. Accordingly, allowance of added claim 21 is respectfully requested.

CONCLUSION

This response constitutes a complete response to all issues raised in the Office Action mailed January 24, 2005. In view of the remarks traversing rejections, Applicants assert that pending claims 1-20 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Daffer McDaniel LLP Deposit Account No. 50-3268/5298-05300.

Respectfully submitted,



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